

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

Case No. **CV 18-9638-DMG (ASx)**

Date **August 30, 2019**

Title ***Steven Christian Du Pont v. The Prudential Ins. Co. of America, et al.*** Page **1 of 1**

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

Kane Tien  
Deputy Clerk

Not Reported  
Court Reporter

Attorneys Present for Plaintiff(s)  
Not Present

Attorneys Present for Defendant(s)  
Not Present

**Proceedings: IN CHAMBERS – ORDER TO SHOW CAUSE WHY COURT SHOULD  
NOT CONSTRUE NOTICE OF DISMISSAL FILED BY DEFENDANT AS  
A STIPULATION FOR DISMISSAL OF DEFENDANT MML INVESTORS  
SERVICES, LLC**

On August 9, 2019, Defendant MML Investors Services, LLC (“MMLIS”) filed a Motion to Enforce Settlement [Doc. # 86]. On August 12, 2019, the Court denied that motion without prejudice for failure to comply with Local Rule 7-3 [Doc. # 88].

At 1:03 p.m. on August 28, 2019, Defendant MMLIS filed another Motion to Enforce Settlement [Doc. # 89] that complies with L.R. 7-3, asserting that MMLIS and Plaintiff had reached a settlement agreement in which Plaintiff agreed to dismiss all claims against MMLIS, with prejudice. This Motion to Enforce Settlement states, “No dismissal has been filed as of the time of this action.” [Doc. # 89 at 5.]<sup>1</sup> At 3:49 p.m. that same day, Defendant MMLIS filed a Notice of Dismissal bearing Plaintiff’s signature [Doc. # 90] that dismisses MMLIS with prejudice.

“[T]he plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(i). Plaintiff appears to have signed the Notice of Dismissal on August 12, 2019, but Defendant—not Plaintiff—filed it. Based on the filings before the Court, it is unclear whether Plaintiff intended to file the Notice of Dismissal or seeks another course of action.

The parties are hereby **ORDERED TO SHOW CAUSE** in writing by **September 10, 2019** why the Court should not construe the Notice of Dismissal [Doc. # 90] as a stipulation between Plaintiff and Defendant MMLIS for the dismissal of MMLIS from this action and deny MMLIS’s motion to enforce settlement [Doc. # 89] as moot.

**IT IS SO ORDERED.**

<sup>1</sup> All page references herein are to page numbers inserted in the header of the document by the CM/ECF filing system.